

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

TOWNSEL MYERS §
§
v. § C.A. NO. C-05-74
§
DOUGLAS DRETKE, DIRECTOR, §
TEXAS DEPARTMENT OF CRIMINAL §
JUSTICE-INSTITUTIONAL DIVISION §

**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S
MOTION FOR SUMMARY JUDGMENT**

On October 21, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 17). Objections were timely filed (D.E. 19). Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, respondent's motion for summary judgment (D.E. 13) is granted. Petitioner's Certificate of Appealability is denied.

ORDERED this 8th day of December, 2005.


Hayden Head
HAYDEN HEAD
CHIEF JUDGE